

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SKATTEFORVALTNINGEN,

Plaintiff,

vs.

JOHN VAN MERKENSTEIJN, RICHARD MARKOWITZ, BERNINA PENSION PLAN TRUST, RJM CAPITAL PENSION PLAN TRUST, 2321 CAPITAL PENSION PLAN, BOWLINE MANAGEMENT PENSION PLAN, CALIFORNIA CATALOG COMPANY PENSION PLAN, DAVIN INVESTMENTS PENSION PLAN, DELVIAN LLC PENSION PLAN, DFL INVESTMENTS PENSION PLAN, LAEGELER ASSET MANAGEMENT PENSION PLAN, LION ADVISORY INC. PENSION PLAN, MILL RIVER CAPITAL MANAGEMENT PENSION PLAN, NEXT LEVEL PENSION PLAN, RAJAN INVESTMENTS LLC PENSION PLAN, SPIRIT ON THE WATER PENSION PLAN, and TRADEN INVESTMENTS PENSION PLAN,

Defendants.

Case No. 19-cv-10713 (LAK)

**DECLARATION OF ALAN E. SCHOENFELD**

I, Alan E. Schoenfeld, declare as follows:

1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants Richard Markowitz and RJM Capital Pension Plan Trust in the above-captioned litigation. I am licensed to practice law in New York, and I am admitted to practice before this Court. I am familiar with the facts set forth herein, and if called as a witness, I could and would testify competently to those facts under oath.

2. I make this declaration in support of Defendants' concurrently filed Motion for Summary Judgment.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a Tolling Agreement “[r]egarding negotiations of the settlement agreement in regard to repayment of withheld dividend tax” between SKAT and “118 [P]ension [P]lans ..., and the Pension Plans’ trustees, predecessor plans, successor plans of partners (together with the Pension Plans, the ‘Covered Parties’).” The Tolling Agreement was signed by counsel for SKAT on April 5, 2018, and executed by counsel for the Covered Parties on April 13, 2018.

5. Attached hereto as **Exhibit 2** is a true and correct copy of a Tolling Agreement “[r]egarding negotiations of the settlement agreement in regard to repayment of withheld dividend tax” between SKAT and the Covered Parties. The Tolling Agreement was signed by counsel for SKAT on June 29, 2018, and executed by counsel for the Covered Parties on July 11, 2018.

6. Attached hereto as **Exhibit 3** is a true and correct copy of a Tolling Agreement “[r]egarding negotiations of the settlement agreement in regard to repayment of withheld dividend tax” between SKAT and the Covered Parties. The Tolling Agreement was signed by counsel for SKAT on September 12, 2018, and executed by counsel for the Covered Parties on September 28, 2018.

7. Attached hereto as **Exhibit 4** is a true and correct copy of a Tolling Agreement “[r]egarding negotiations of the settlement agreement in regard to repayment of withheld dividend tax” between SKAT and the Covered Parties. The Tolling Agreement was signed by counsel for SKAT on October 22, 2018, and executed by counsel for the Covered Parties on October 30, 2018.

I declare under penalty of perjury, as provided in 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and that this Declaration was executed this 10th day of May 2024, in New York, New York.

*/s/ Alan E. Schoenfeld*  
Alan E. Schoenfeld